

# **Exhibit “B”**

Westlaw

JVR No. 1239

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1986 WL 453298 (N.Y.Sup.), JVR No. 1239

(Publication page references are not available for this document.)

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Supreme Court, Twelfth Judicial District, Bronx County, New York.  
RUIZ v. FLORENCE AND MICHAEL MAZZA  
13647 / 84

DATE OF INCIDENT: June, 1983

DATE OF TRIAL: March, 1986

TOPIC:

LIABILITY:

General: BICYCLE & VEHICLE

Specific: Intersection collision

SUMMARY

Outcome: Plaintiff verdict

Non Verdict Award: \$500,000

Total Verdict: \$500,000

EXPERT-WITNESSES:

ATTORNEY:

JUDGE:

RANGE AMOUNT: \$500,000-999,999

STATE: New York

COUNTY: Bronx

PRIMARY INJURY: Fibula / Tibia Fractures

SUMMARY

PLAINTIFF:

Sex: Male

Age: 10

DECEDENT:

DEFENDANT:

Type: Multiple Individuals

Sex: Male

DAMAGES:

Other: \$500,000

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JVR No. 1239

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1986 WL 453298 (N.Y.Sup.), JVR No. 1239

**(Publication page references are not available for this document.)**

Total: \$500,000

FACTS:

Male 10

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COURT: Supreme

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Westlaw

JVR No. 71640

Page 1

1991 WL 450919 (N.Y.Sup.), JVR No. 71,640

(Publication page references are not available for this document.)

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Supreme Court, Twelfth Judicial District, Bronx County, New York.

RODRIGUEZ v. SANITARY PLUMBING, ET AL.

21321

No Date Given

TOPIC:

LIABILITY:

General: PEDESTRIAN

Specific: On Shoulder

SUMMARY

Outcome: Settlement

Non Verdict Award: \$575,000

Claimed Past Medical: \$20,000

EXPERT-WITNESSES:

ATTORNEY:

Plaintiff: Fuchsberg & Fuchsberg by Abraham Fuchsberg and Roberto Laracuente,  
New York, NY.

JUDGE:

RANGE AMOUNT: \$500,000-999,999

STATE: New York

COUNTY: Bronx

PRIMARY INJURY: Tibia And Fibula Fracture

FACTS:

A 30-year-old male self employed delivery man suffered a tibia and a fibula fracture after he was struck by one of the two defendants' vehicles. The plaintiff had parked his van along the curb and was removing packages from the back when the defendant plumbing truck struck the defendant motorist from behind. The impact pushed the defendant motorist into the plaintiff. The plaintiff alleged that the motorist was negligent for stopping suddenly in traffic and the defendant plumbing truck was negligent for failing to avoid the collision. The defendant plumbing company paid \$550,000 of the settlement and the defendant motorist paid the remaining \$25,000.

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JVR No. 71640

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1991 WL 450919 (N.Y.Sup.), JVR No. 71,640

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1991 WL 450919 (N.Y.Sup.), JVR No. 71,640

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JVR No. 23298

Page 1

1986 WL 454857 (N.Y.Sup.), JVR No. 23,298

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Supreme Court, Twelfth Judicial District, Bronx County, New York.  
MCLAUGHLIN v. NYCTA  
17828 / 84

DATE OF INCIDENT: April, 1982

DATE OF TRIAL: September, 1986

TOPIC:  
LIABILITY:  
General: PREMISES LIABILITY  
Specific: Fall at transit station

SUMMARY  
Outcome: Plaintiff Verdict  
Non Verdict Award: \$180,300  
Total Verdict: \$180,300

EXPERT-WITNESSES:

ATTORNEY:

JUDGE:

RANGE AMOUNT: \$100,000-199,999  
STATE: New York

COUNTY: Bronx

PRIMARY INJURY: Fibula / Tibia Fractures

SUMMARY  
PLAINTIFF:  
DECEDENT:  
DEFENDANT:  
DAMAGES:  
Other: \$180,300  
Total: \$180,300

FACTS:  
Male 50

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JVR No. 23298

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1986 WL 454857 (N.Y.Sup.), JVR No. 23,298

**(Publication page references are not available for this document.)**

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COURT: Supreme

1986 WL 454857 (N.Y.Sup.), JVR No. 23,298

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1996 WL 642775 (N.Y.Sup.), JVR No. 184,998  
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Supreme Court, Twelfth Judicial District, **Bronx** County, New York.  
SOTO v. 2407 MORRIS ASSOC.; THE WAVECREST MANAGEMENT TEAM, LTD.  
6693 / 94

DATE OF INCIDENT: December, 1993

DATE OF FILING: January, 1994

TOPIC:

LIABILITY:

General: PREMISES LIABILITY

Specific: Fall on sidewalk

SUMMARY

Outcome: Settlement

Non Verdict Award: \$360,000

Total Verdict: \$360,000

EXPERT-WITNESSES:

ATTORNEY:

JUDGE:

RANGE AMOUNT: \$200,000-499,999

STATE: New York

COUNTY: **Bronx**

PRIMARY INJURY: **Fibula / Tibia Fractures**

SUMMARY

SETTLEMENT TIME: Before Trial

PLAINTIFF:

Sex: Female

Age: 50

General Occupation: HOMEMAKER

DECEDENT:

DEFENDANT:

Type: Multiple Organizations

Sex: Organization

Organization Type: Services-Lodging

Insurance: American Specialty Ins. Co.

DAMAGES:

Other: \$360,000

Total: \$360,000

FACTS:

A 50-year-old female housewife suffered a non-displaced distal **fibula fracture**, requiring closed reduction and casting and resulting in a permanent limp; and a comminuted fracture of the distal **tibia** when she tripped over sidewalk cracks at the defendant apartment building managed by the co-defendant. The plaintiff contended that the defendants were negligent for failing to maintain the sidewalks after receiving notice of their defective condition. The defendants denied negligence and contended that sidewalk repair was the responsibility of the non-party superintendent. The plaintiff's husband, who was the superintendent, contended that sidewalk repairs were not part of his job requirements and that he had notified the co-defendant management company of the sidewalk defects.

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COURT: Supreme

1996 WL 642775 (N.Y.Sup.), JVR No. 184,998

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JVR No. 208056

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1997 WL 744297 (N.Y.Sup.), JVR No. 208,056

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Supreme Court, Twelfth Judicial District, Bronx County, New York.  
DICOSTANZO, PRO AMI v. YONKERS GIANT CARPET INC.  
8498 / 95

DATE OF FILING: January, 1995

TOPIC:  
LIABILITY:  
General: PREMISES LIABILITY  
Specific: Accident in retail store

SUMMARY  
Outcome: Settlement  
Non Verdict Award: \$210,000  
Total Verdict: \$210,000

EXPERT-WITNESSES:

ATTORNEY:

JUDGE:

RANGE AMOUNT: \$200,000-499,999  
STATE: New York

COUNTY: Bronx

PRIMARY INJURY: Fibula / Tibia Fractures

SUMMARY  
SETTLEMENT TIME:  
PLAINTIFF:

Sex: Female  
Age: 2

DECEDENT:

DEFENDANT:

Type: Single Organization  
Sex: Organization  
Occupational Field: Retail-Home Furnishings

DAMAGES:  
Other: \$210,000

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JVR No. 208056

Page 2

1997 WL 744297 (N.Y.Sup.), JVR No. 208,056

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Total: \$210,000

FACTS:

A two-year-old female suffered fractures to the tibia and fibula when a roll of carpet toppled over onto her and pinned her to the wall in the defendant store. The plaintiff contended that the defendant carpet store was negligent in failing to provide a safe environment for customers and to secure the carpet to prevent it from falling. The case settled prior to trial for a structure with a present value of \$210,000.

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COURT: Supreme

1997 WL 744297 (N.Y.Sup.), JVR No. 208,056

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JVR No. 205514

Page 1

1997 WL 635984 (N.Y.Sup.), JVR No. 205,514

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Supreme Court, Twelfth Judicial District, Bronx County, New York.

JAWARA v. VATAJ

23298 / 94

DATE OF INCIDENT: September, 1994

DATE OF FILING: December, 1994

DATE OF TRIAL: June, 1997

TOPIC:

LIABILITY:

General: PEDESTRIAN

Specific: Crossing intersection

SUMMARY

Outcome: Plaintiff Verdict

Non Verdict Award: \$300,000

Total Verdict: \$300,000

Final Demand: \$250,000

Final Offer: \$100,000

EXPERT-WITNESSES:

ATTORNEY:

JUDGE:

RANGE AMOUNT: \$200,000-499,999

STATE: New York

COUNTY: Bronx

PRIMARY INJURY: Fibula / Tibia Fractures

SUMMARY

PLAINTIFF:

Sex: Male

Age: 50

General Occupation: GENERAL LABORER

DECEDENT:

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JVR No. 205514

1997 WL 635984 (N.Y.Sup.), JVR No. 205,514

(Publication page references are not available for this document.)

DEFENDANT:

Type: Single Individual

Sex: Male

Insurance: St. Paul

DAMAGES:

Pain and Suffering: \$300,000

Total: \$300,000

DEFENDANT ADMITTED LIABILITY: Yes

FACTS:

A 50-year-old male street vendor suffered fractures of the tibia and fibula, requiring closed reduction and resulting in cartilage damage under the tibia, when he was struck by the male defendant's vehicle as he crossed the roadway at an intersection. The defendant admitted liability and the case proceeded on damages only. The plaintiff claimed that he is unable to walk long distances and has pain and swelling at the fracture site. The defendant contended that the plaintiff had no permanent residuals.

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COURT: Supreme

1997 WL 635984 (N.Y.Sup.), JVR No. 205,514

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